

TOWN OF SOUTHAMPTON

Department of Land Management
Zoning Board of Appeals
116 HAMPTON ROAD
SOUTHAMPTON, NY 11968

Phone: (631) 287-5700
Fax: (631) 287-5754



ANNA THRONE-HOLST
TOWN SUPERVISOR

CHAIRPERSON
HERBERT E. PHILLIPS

VICE-CHAIRPERSON
ADAM GROSSMAN

BOARD MEMBERS
KEITH TUTHILL
BRIAN DESESA
DENISE O'BRIEN
LAURA TOOMAN
HELENE BURGESS

PRELIMINARY AGENDA – NOT OFFICIAL

SOUTHAMPTON TOWN ZONING BOARD OF APPEALS PUBLIC HEARING AGENDA April 2, 2015

The Zoning Board of Appeals meeting is held in the Town Board Room, 116 Hampton Road, Southampton. Applications are scheduled to begin at 7:00 p.m., or shortly thereafter. Applications may not be heard in the order as they appear on this agenda. Current agendas may be viewed on the internet at the following address: www.southamptontownny.gov

- CALL TO ORDER
- PLEDGE OF ALLEGIANCE
- APPROVAL OF MINUTES

Please note: Applications highlighted in GRAY have requested an adjournment or have requested to withdraw the application

NEW APPLICATIONS (from the March 5, 2015 meeting)

SCTM – HAMLET

1. **Dianne Barilli** (appl. 1500017) Brian 900-191-1-7 Hampton Bays
17C Oakhurst Road
Applicant requests relief from Town Code §330-84(D) (pyramid height) for a proposed encroachment in the amount of 6,102.3 cubic feet (6,028.6 cf (front elevation) + 73.7 cf (side elevation)) for a proposed 2nd story addition to an existing residence and relief from Town Code §330-115(C) and §330-115(E) (continuance) for a proposed principal rear yard setback of 22.7 feet where 27 feet is existing for a proposed two-story addition and 2nd story balcony, and to 21.53 feet to the northerly roof overhang (eave) where 25.83 is the setback to a permitted eave encroachment on a nonconforming lot and any other relief necessary.
2. **David Sicular & Lilian Stern** (appl. 1500015) Helene 900-81-3-21 Water Mill
450 Hayground Road
Applicant requests relief from Town Code §330-115C (continuance) for a principal minimum side yard setback of 14 feet where 23.7 feet is existing for a proposed one story garage addition, outdoor shower with trellis above on a nonconforming lot.

Southampton Town Zoning Board of Appeals
Public Hearing Agenda
April 2, 2015
Page two of seven

NEW APPLICATIONS (from the March 5, 2015 meeting) (Cont'd)

SCTM – HAMLET

3. **John F. McDonough** (appl. 1500018) Adam 900-15-1-31 Noyac
25 Long Beach Lane
Applicant requests a determination that the subject parcel SCTM# 900-15-1-31 is held in single and separate ownership from the adjacent parcel identified as SCTM# 900-15-1-30 and thus entitled to relief pursuant to §330-115D.

4. **Antony Cappadoro & Janet Cappadoro** (appl. 1500020) 900-349-2-49 Eastport
21 North Bay Avenue Denise
Applicant requests relief from the following provisions of the Town Code to legalize an addition to northerly side of the existing dwelling and a wood deck addition to the front of the existing dwelling both constructed without the benefit of building permits on a nonconforming lot: For the addition to the northerly side of the existing dwelling: (i) §330-115D(1) (continuance) for a principal minimum side yard setback of 14.9 feet where 16 feet is permitted, and 12.9 feet to the northerly roof overhang(eave) where 14.5 feet is the setback to a permitted eave encroachment, and a total side yard setback of 33.6 feet where 40 feet is permitted; For the wood deck addition: (i) §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 39.5 feet where 40 feet is permitted, (ii) §330-76D (placement of accessory buildings and uses in all districts), (iii) §330-83A (yards) and (iv) §330-83C (yards) and any other relief necessary.

5. **285 Hayground Road, LLC** (appl. 1500019) 900-83-1-5.2 Water Mill
285 Hayground Road Laura
Applicant requests relief from §330-11 (residential districts table of dimensional regulations) for a principal front yard setback to 50.1 feet where 60 feet is required and a rear yard setback to 60(+/-) feet where 70 is required for a proposed two-story dwelling. In addition, applicant requests relief from §330-11.2J(1) (accessory apartment special standards) to allow two access driveways to remain on a lot that has an accessory apartment and any other relief necessary.

6. **Robert J. Lobb** (appl. 1500021) Brian 900-103-1-53 Water Mill
15 Huntington Lane
Applicant requests relief from Town Code §330-76D (placement of accessory buildings and uses in all districts) and §330-83C (yards) to allow a detached garage to be located within the total required side yard of the principal building as a result of a new proposed addition to the existing dwelling and any other relief necessary.

7. **Asset Properties, LLC** (appl. 1500022) Denise 900-105-1-17.6 Bridgehampton
41 Harvest Lane
Applicant requests relief from Town Code Section 330-77D (placement of accessory buildings and uses in residence districts) to allow a proposed rear yard coverage of 26.74% where a maximum of 20% is permitted for the location of a proposed tennis court and any other relief necessary.

Southampton Town Zoning Board of Appeals
Public Hearing Agenda
April 2, 2015
Page three of seven

READVERTISED APPLICATIONS (from the March 5, 2015 meeting) SCTM – HAMLET

8. **James Bradshaw** (appl. 1500007) Laura 900-82-1-8.19 Water Mill
193 Narrow Lane
Applicant requests a determination as to whether or not the proposed accessory building (barn) is a subordinate or incidental building pursuant to §330-5 (definitions) because of its size in proportion to the main dwelling and relief from §330-77C (placement of accessory buildings and uses in residence districts) to allow the height of the proposed building to be 28'-8" where a maximum height of 20 feet is permitted and any other relief necessary.
9. **Theresa Cantwell Irrevocable Trust** (appl. 1500006) 900-264-4-13 Hampton Bays
5 Cornell Place Adam
Applicant requests relief from the following provisions of the Town Code §330-11.2F (accessory apartment special standards) to legalize the construction of an accessory apartment in the basement of an existing dwelling without the benefit of a building permit on a lot that is less than 30,000 square feet : (i) a lot area of 10,125 square feet where 16,000 square feet is required, (ii) lot width of 75 feet where 84 feet is required, (iii) a principal minimum side yard setback of feet 10.1 where 14 feet is required, and (iv) a principal total side yard of 26.8 feet where 28 feet is required. In addition, applicant requests relief from §330-11.2G(1) to allow the size the accessory apartment to be in excess the maximum allowable 35% of the total floor area of the principal dwelling on a nonconforming lot and any other relief necessary.

MINOR VARIANCE REVIEW

SCTM - HAMLET

None scheduled for this meeting

NEW APPLICATIONS

SCTM – HAMLET

10. **Francis Tucci** (appl. 1500032) Adam 900-71-3-34.2 Bridgehampton
75 Edgewood Avenue
Applicant requests relief from the following provisions of the Town Code to allow the existing garage to remain within the required front yard: (i) §330-11 (residential table of dimensional regulations) for an accessory distance from street setback of 19.6 feet to the exterior wall where 70 feet is required, and 17.6 feet to the westerly roof overhang(eave) where 68.5 feet is the setback to a permitted encroachment, (ii) §330-76D (placement of accessory buildings and uses in all districts), and (iii) §330-83C (yards). In addition, applicant requests relief from Town Code §330-11.2(F) (accessory apartment special standards) to allow the existing garage to be converted into an accessory apartment: (i) an accessory distance from street setback of 19.6 feet where a minimum of 49 feet is required for the garage, (ii) an accessory rear yard setback of 12 feet where minimum of 14 feet is required, and (iii) a principal front yard setback of 40.1 from Alfie's Way where a minimum of 42 feet is required. In addition, applicant requests relief from Town Code §330-11.2(J)(accessory apartment special standards) to allow the two required parking spaces to be located within the required minimum front yard and any other relief necessary.

Southampton Town Zoning Board of Appeals
Public Hearing Agenda
April 2, 2015
Page four of seven

NEW APPLICATIONS - Continued

SCTM – HAMLET

11. **Tomasz Gibas** (appl. 1500037) Keith 900-355-1-3.1 Westhampton
58 Old Country Road
Applicant requests relief from Town Code §330-11 (residence districts table of dimensional regulations) for an accessory distance from street setback to 45.1 feet where 70 feet is required for the proposed garage. In addition, applicant requests relief from Town Code §330-115C (continuance) for a principal front yard setback of 39.6 feet for a proposed wood porch and to 38.6 feet to the roof overhang where 47.3 feet is existing and any other relief necessary.
12. **Carlo & Jennifer Gabrielli** (appl. 1500033) 900-59-2-14 North Sea
21 Third Road Helene
Applicant requests relief from Town Code §330-11 (residence districts table of dimensional regulations) for an accessory distance from street setback of 30.6 feet where 40 feet is required and relief from Town Code §330-77D (placement of accessory buildings and uses in residence districts) for a proposed rear yard coverage of 38.3% where a maximum of 20% is permitted and any other relief necessary.
13. **The 20 Linden Lane, LLC** (appl. 1500034) Brian 900-377-1-19 Quogue
20 Linden Lane
Applicant requests relief from Town Code Section §330-116 (extension) as it relates to §330-167(B) (specific types of variances) to allow for an interior expansion of the pre-existing apartment within the existing garage and any other relief necessary.
14. **Kerry J. MacWhinnie** (appl. 1500035) Laura 900-101-3-1.6 Water Mill
631 Head of the Pond Road
Applicant requests a determination that the subject parcel SCTM# 900-101-3-1.6 is held in single and separate ownership from all adjacent parcels thus entitled to relief pursuant to §330-115D(3). In addition, applicant requests relief from the following provisions of the Town Code to legalize a pergola constructed without the benefit of a building permit: (i) §330-84D (pyramid height) and (ii) §330-11 (residence districts table of dimensional regulations) for an accessory rear yard setback of 1.2 feet where 30 feet is required (20 feet required if single and separate). Applicant also requests relief from Town Code §330-77G (placement of accessory buildings and uses in residence districts) for a side yard setback of 4 feet and a rear yard setback of 7 feet to allow the pool equipment installed without the benefit of a building permit to remain in its current location on a nonconforming lot and any other relief necessary.
15. **Robert K. Jones** (appl. 1400036) Keith 900-289-3-30 East Quogue
2 Gleason Drive
Applicant requests relief from the following provisions of the Town Code: (1) For the proposed garage: §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback to 41 feet from Gleason Drive and to 27.4 feet from the Unamed Road where 50 feet is required ; (2) For the frame shed: §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback to 32.6 feet where 50 feet is required; and (3) For the in-ground swimming pool: (i) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback to 43.8 feet where 50 feet is required. In addition, applicant requests relief from §330-76D (placement of accessory buildings and uses in all districts) and §330-83C (yards) to allow the proposed garage, pool and shed to be located within the required front yard on a nonconforming lot and any other relief necessary.

**Southampton Town Zoning Board of Appeals
Public Hearing Agenda
April 2, 2015
Page five of seven**

READVERTISED APPLICATIONS

None scheduled for this meeting

SCTM – HAMLET

NEW - ADJOURNED APPLICATIONS

Adjourned from the 6/5/14, 6/19/14, 7/17/14, 9/4/14, 9/18/14, 11/20/14, 1/15/15 and the 2/19/15 meeting:

SCTM – HAMLET

16. **372 Lumber Lane, LLC** (appl. 1400053) Herb 900-52-1-26.1 Bridgehampton
372 Lumber Lane
Applicant seeks relief from Town Code §330-167B(3) (specific types of variances) for a change from one nonconforming use to another to legalize: (i) the conversion of a detached garage to an apartment; and (ii) the conversion of a 1 ½ story building to a multi-family dwelling, both converted without the benefit of a building permit on a nonconforming lot and any other relief necessary.

SCOPING SESSION

None scheduled for this meeting

SCTM – HAMLET

HOLDOVER APPLICATIONS

Held over from the 2/19/15 meeting:

SCTM – HAMLET

17. **John Galietti & Mary Galietti** (appl. 1500008) 900-297-1-19 Hampton Bays
153 Ponquogue Avenue Keith
Applicant requests relief from Town Code for: 1. i) §330-116: A proposed reconstruction and an addition to an existing one-story cottage resulting in an increase in the degree of non-conformity which is not permitted except as provided in § 330-167B(1) and § 330-167B(2) , ii) §330-84D (pyramid height) for a proposed encroachment in the amount of 2,981.93 (771.13 (West Elevation) + 2,210.8 (South Elevation)), 2. In addition, applicant requests relief from the following provisions of the Town Code for a proposed garage: (i) §330-84D (pyramid height) for a proposed encroachment in the amount of 2,950.5 cubic feet (1,065.5 (West Elevation) + 1,885 (South Elevation)) for a proposed garage, and (ii) §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of approx. 8 feet and an accessory rear yard setback of 3.4 feet where 10 feet is required. 3. Applicant also requests relief from Town Code §330-77D (placement of accessory buildings and uses in residence districts) for rear yard coverage in excess of the permitted 20%. 4. Applicant also requests relief for a one-story addition to the existing dwelling: i) §330-115.C (continuance) for a one-story addition to the existing dwelling for a rear yard setback of 20.2' where a 40' setback is existing and any other relief necessary.

HOLDOVER APPLICATIONS - Continued

SCTM – HAMLET

Held over from the 3/19/15 meeting:

18. **Strong Oil Company, Inc.** (appl. 1500016) Keith 900-229-1-5 Hampton Bays
250 East Montauk Highway
Applicant requests relief from the following provisions of the Town Code to allow the installation of a 1,000 gallon propane tank on a nonconforming lot: (i) §330-83G(1)(a) (yards): to allow the proposed tank to be located within the minimum required transitional rear yard of 50 feet, (ii) §330-34 (business districts table of dimensional regulations) for a distance from street setback of 94.7 feet where 100 feet is required, and (iii) §330-34 for an accessory rear yard setback of 40.4 feet where 50 feet is required. In addition, applicant requests relief from the following provisions of the Town Code for an existing 20' wide by 4' high wall sign as located on the easterly façade of the accessory building used for accessory retail sales as follows: i) §330-205A(wall signs): §330-205A(1): To allow the operating entity(Strong Oil Co.) to display a wall sign(FOOD MART) that is not part of the official recorded name of the operating entity and therefore, does not represent the business entity that operates from the building to which the sign relates and, as such, is not a permitted wall sign, ii) §330-205A(1) To allow a wall sign with an area of 80 square feet that exceeds the maximum allowable area permitted of 31.5 square feet, iii) §330-205A(1): To allow a wall sign with a width of 20 feet that exceeds the allowable maximum width of 15.75 feet and any other relief necessary.

AMENDMENT REQUEST

SCTM – HAMLET

19. **Charles Ruoff & Laurence Malzberg** Helene 900-85-2-15 Bridgehampton
50 Halsey Lane
On February 5, 2015, by decision number D015010, this Board granted a variance to allow a proposed swimming pool to be located 24.4 feet from Hildreth Lane. A letter was received by this Board on March 30, 2015, from Michael Minogue of Minogue Bros. Swimming Pools, requesting that said decision be amended to allow the proposed vinyl swimming pool to be moved 4 feet closer to Hildreth Lane as construction of this type of pool requires an overcut of 4 feet to accommodate wall forms.

CORRECTION/CLARIFICATION

SCTM-HAMLET

20. **Thomas R. Gustin** (appl. 1500009) Laura 900-5-4-47 Noyack
162 Noyack Avenue
On March 19, 2015, by decision number D015026, this Board granted the applicant pyramid relief for a proposed two-story dwelling. This decision is being amended to correct a scrivener's error and reflect the correct survey date.
21. **Karen Greatrex** (appl. 1500002) Laura 900-26-2-32 Sag Harbor
1180 Middle Line Highway
On March 19, 2015, by decision number D015032, this Board granted the applicant pyramid relief and a front yard setback for a proposed two-story dwelling. This decision is being amended to correct a scrivener's error in the findings and determinations of said decision to delete any references to "proposed garage addition" and replace it with "proposed two-story dwelling."

Southampton Town Zoning Board of Appeals
Public Hearing Agenda
April 2, 2015
Page seven of seven

RE-OPEN FOR SUBMISSIONS ONLY

don't use these headings unless needed

RE-OPEN

SCTM – HAMLET

DECISIONS

DATE CLOSED

SCTM – HAMLET

Robert Lattanzio	Adam	3/19/15	900-3196-29	Hampton Bays
Louis Sanzo (written submissions)	Brian	3/19/15	900-381-1-50	Remsenburg
Mark Ollinger	Laura	3/19/15	900-52-1-15	Bridgehampton
395 Rose Hill Road, LLC (written submissions)	Helene	3/19/15	900-115-3-15.2	Water Mill
A. Edward Patmos III (written submissions)	Brian	3/19/15	900-234-3-10	Shinnecock Hills